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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/109,343	06/30/1998	SHANTIGRAM JAGANNATH	082771.P277	3430

8791 7590 03/05/2003

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EXAMINER

LEE, CHI HO A

ART UNIT PAPER NUMBER

2663

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/109,343

Applicant(s)

JAGANNATH ET AL

Examiner

Andrew Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Rekhter et al U.S. Patent Number 6,339,590.

Re Claims 1, 8, 16, and 26, Fig 1 teaches PE2 edge router that inherently have a port (a first port) receiving a packet (fig. 2) having a Tags (a first label), a header and a payload; further teaches that the PE2 maintains separate routing table (a first table...associated with labels) for each VPNs (See col. 6, lines 41-65 & col. 9, lines 40-45), wherein the Tags are arranged (pre-existing association) with other edge routers to tag packets destined to certain VPN location (col. 7, lines 18-21 & col. 10, lines 40-46); teaches the tag is a unique index to a given router's router table; it is inherent that the PE2 have a processor processing the packets (See col. 9, lines 52-54).

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Re Claims 2, 9, refer to Claim 1, the tables are routing table for each VPN.

Re Claims 3, 10, 31-32, refer to Claim 1, wherein the tables provide a forwarding address.

Re Claims 4, 11, 15, 27, refer to Claim 1, wherein the labels are associated with a particular VPN location (identifies a VPN network) wherein the tag is a unique index.

Re Claims 5, refer to Claim 1, wherein it is inherent PE2 have an output port (a second port).

Re Claims 6, 12, 17, 28, refer to Claim 1, wherein fig. 2 is a Internet protocol Header.

Re Claims 7, 13-14, 18-20, 22-23, refer to Claim 1, wherein the tag is associated with a particular VPN table and fig 2 teaches a forward tag 2 (a forwarding label).

Re Claim 21, refer to Claim 1, fig 9 teaches PE2 (a first edge router) for receiving packets (fig. 2) and to transmit via Service Provider Network (wide area network cloud) wherein fig 1 teaches the PE2 modifying the tags in the header; Fig 1 teaches the P1, P2 (a backbone router) that receives the modified packets, and PE1 (a second edge router) that receive the modified packet.

Re Claim 24, it is inherent that the P1, P2 having routing tables.

Re Claims 25, 29-30, refer to Claim 1, and fig 1, wherein the modified packet includes plurality of tags, in particular, the modified packet transmitted from PE2 includes tags T3, T2 to be received at backbone router P2, wherein P2 associates T3 with a particular VPN network and table.

***Response to Arguments***

3. Applicant's arguments filed 12/18/02 have been fully considered but they are not persuasive.

Re Claims 1, 21, and 26, Applicant argues that Rekhter does not teach "a first table from among one or more separate tables associated with different labels, associated with the first label".

However, Rekhter teaches that PE edge routers (backbone router) in fig 1 stores customer network topology information in a separate routing table for each VPNs, (See col. 6, lines 41-65) wherein T3 a tag arranged (pre-existing association) with other edge routers to tag packets destined to certain VPN location (See col. 7, lines 18-21). Hence, a table associated with a tag is disclosed.

Re Claims 8 and 16, Applicant argues that "a first table corresponding to a first VPN... a second table corresponding to a second VPN". A tag is an unique index to a given router's routing table (See col. 9, lines 52-53), wherein PE edge router (above) comprises of plurality of tables associating the VPN with a Tag.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

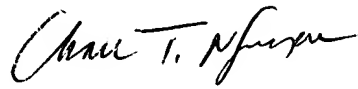
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AI

March 4, 2003



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
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